

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AMERICAN PHYSICIANS
ASSURANCE CORPORATION,

Plaintiff-Counter-Defendant,

v.

DONALD JAMES HAM, M.D.,
ALAMOGORDO EYE CLINIC, INC.,

Defendants-Counter-Plaintiffs,

and THE ESTATE OF MARTHA
VALENCIA CARDON, DECEASED, by
and through Personal Representative
ELIZABETH ALVAREZ,

Defendant.

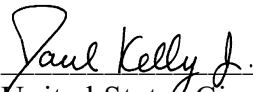
No. 1:08-cv-638 PK/ACT

ORDER

THIS MATTER comes on for consideration of Defendants-Counter-Plaintiffs' Motion to Dismiss for Lack of Subject Matter Jurisdiction filed November 6, 2009 (Doc. 199). Upon consideration thereof, the motion is denied.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that Defendants-Counter-Plaintiffs' Motion to Dismiss for Lack of Subject Matter Jurisdiction filed November 6, 2009 is denied.

DATED this 1st day of December 2009, at Santa Fe, New Mexico.



United States Circuit Judge
Sitting by Designation